

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

JAMES EVERETT,	:	
Plaintiff,	:	
	:	
v.	:	CIVIL ACTION NO. 24-CV-6631
	:	
COMMONWEALTH OF	:	
PENNSYLVANIA, et al.,	:	
Defendants.	:	

ORDER

AND NOW, this 16th day of January 2025, upon consideration of Plaintiff James Everett's Motion to Proceed *In Forma Pauperis* (ECF No. 5), Prisoner Trust Fund Account Statement (ECF No. 6), and *pro se* Complaint (ECF No. 1), it is **ORDERED** that:

1. Leave to proceed *in forma pauperis* is **GRANTED** pursuant to 28 U.S.C. § 1915.
2. James Everett, #AS-0363, shall pay the full filing fee of \$350 in installments, pursuant to 28 U.S.C. § 1915(b), regardless of the outcome of this case. The Court directs the Superintendent of SCI Frackville or other appropriate official to assess an initial filing fee of 20% of the greater of (a) the average monthly deposits to Everett's inmate account; or (b) the average monthly balance in Everett's inmate account for the six-month period immediately preceding the filing of this case. The Superintendent or other appropriate official shall calculate, collect, and forward the initial payment assessed pursuant to this Order to the Court with a reference to the docket number for this case. In each succeeding month when the amount in Everett's inmate trust fund account exceeds \$10.00, the Superintendent or other appropriate official shall forward payments to the Clerk of Court equaling 20% of the preceding month's

income credited to Everett's inmate account until the fees are paid. Each payment shall refer to the docket number for this case.

3. The Clerk of Court is **DIRECTED** to send a copy of this Order to the Superintendent of SCI Frackville.
4. The Complaint is **DEEMED** filed.
5. The Clerk of Court is **DIRECTED** to **AMEND** the docket to reflect that the Philadelphia County Court of Common Pleas is a Defendant in this case.

6. Everett's Complaint is **DISMISSED WITHOUT PREJUDICE** to Everett challenging his convictions and sentence by proceeding in a petition for writ of *habeas corpus* after exhausting state remedies.

7. The Clerk of Court shall **CLOSE** this case.

BY THE COURT:

/s/ **Chad F. Kenney**

CHAD F. KENNEY, J.